



City of Boston
Auditing Department

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MEMORANDUM

Date: December 12, 2008

To: City of Boston Vendors

From: Bill Hannon
Purchasing Agent *William J. Hannon*

Sally D. Glora *Sally D. Glora*
City Auditor

Re: Criminal Offender Record Information (CORI) Compliance Standards

Thank you for doing business with the City of Boston. We value the work that you do and your participation in providing the goods and services that are needed to maintain a sound and vibrant City; the City that is the Capital of the State, and the engine that drives the regional economy. It is very important to us that we continue the strong business relationships that we have with our vendors.

The purpose of this letter is to remind you that the City of Boston is subject to City of Boston Code (CBC), C 4 Sec. 7, an Ordinance regarding Criminal Offender Record Information (CORI). This Ordinance is intended to ensure that persons and businesses supplying goods or services to the City of Boston deploy fair policies throughout the hiring process related to the screening and identification of persons with criminal backgrounds through the CORI system. The Ordinance includes the CORI related standards (see attached CM Form 15B) that the City adheres to in our hiring process, and requires that **"The City will do business only with Vendors that have adopted and employ CORI-related policies, practices, and standards that are consistent with City standards"**.

These standards are included in all of the solicitations for bids that the City sends out, and are included in every contract that we enter into with vendors. Each contract includes form CM 15A (Attached) which states that **"The undersigned certifies under penalties of perjury that the vendor is in compliance with the provisions of City of Boston Code, Chapter 4, section 7 as currently in effect"**. Thus vendors entering into contracts with the City of Boston have affirmed by signature that their policies regarding CORI information are consistent with the standards set by the City of Boston.

Please review the standards on the attached CM Form 15B, and communicate this information to the appropriate executives, supervisors and staff in your organization. It is important that your staff understand the requirements of the Ordinance, and take action to be sure that the hiring policies are in compliance

Thomas M. Menino, Mayor
Sally D. Glora, City Auditor

In summary:

- Vendors must have CORI hiring standards which are “substantially similar” to the standards used by the City of Boston.
- Vendors should make sure that if CORI checks are conducted that they are absolutely necessary. CORI checks should be conducted only for “sensitive” positions or when required by state law. For your information, the City of Boston performs CORI checks on fewer than half of the job titles and checks CORIs only for the “sensitive” positions identified below:
 - Jobs which have unsupervised contact with children, the disabled, and the elderly.
 - Jobs with the Boston Police Department.
 - Bonded positions, including, those involving large amounts of cash in Treasury
 - Jobs with the Boston School Department.
- Vendors who determine that a CORI check needs to be performed should interview the applicant or decide that the applicant meets all other qualifications before the vendor conducts a CORI check.
- The City of Boston has removed from its job applications any questions which ask if the applicant has ever been convicted of a crime. It is suggested that vendors remove questions about criminal convictions from job applications.

The City of Boston appreciates your compliance to these CORI standards and we look forward to doing business with you in the future.

CM FORM 15B

CORI COMPLIANCE STANDARDS

By checking line 2 on the foregoing CM Form 15A, the Vendor affirms that its CORI-related policies, practices, and standards are consistent with the following standards:

1. The Vendor does not conduct a CORI check on an Applicant unless a CORI check is required by law or the Vendor has made a good faith determination that the relevant position is of such sensitivity that a CORI report is warranted.
2. The Vendor reviews the qualifications of an Applicant and determines that an Applicant is otherwise qualified for the relevant position before the Vendor conducts a CORI check. The Vendor does not conduct a CORI check for an Applicant that is not otherwise qualified for a relevant position.
3. If the Vendor has been authorized by the CHSB to receive CORI reports consisting solely of conviction and case-pending information and the CORI report received by the Vendor contains other information (i.e. cases disposed favorably for the Applicant such as Not Guilty, Dismissal) then the Vendor informs the Applicant and provides the Applicant with a copy of CHSB's information for the Applicant to pursue correction.
4. When the Vendor receives a proper CORI report of an Applicant that contains only the CORI information that the Vendor is authorized to receive and the Vendor is inclined to refuse, rescind, or revoke the offer of a position to an Applicant, then the Vendor complies with 803 CMR 6.11 by, including, but not limited to, notifying the Applicant of the potential adverse employment action, providing the Applicant with a photocopy of the CORI report received by the Vendor, informing the Applicant of the specific parts of the CORI report that concern the Vendor, providing an opportunity for the Applicant to discuss the CORI report with the Vendor including an opportunity for the Applicant to present information rebutting the accuracy and/or relevance of the CORI report, reviewing any information and documentation received from the Applicant, and documenting all steps taken to comply with 803 CMR 6.11.
5. The Vendor makes final employment-related decisions based on all of the information available to the Vendor, including the seriousness of the crime(s), the relevance of the crime(s), the age of the crime(s), and the occurrences in the life of the Applicant since the crime(s). If the final decision of the Vendor is adverse to the Applicant and results in the refusal, rescission, or revocation of a position with the Vendor then the Vendor promptly notifies the Applicant of the decision and the specific reasons therefor.

CM FORM 15A

CORI COMPLIANCE

The City of Boston is subject to City of Boston Code, Chapter 4, section 7, which is intended to ensure that persons and businesses supplying goods and/or services to the City of Boston deploy fair policies relating to the screening and identification of person with criminal backgrounds through the CORI system. Vendors entering into contracts with the City must affirm that their policies regarding CORI information are consistent with the standards set by the City of Boston.

CERTIFICATION

The undersigned certifies under penalties of perjury that the vendor is in compliance with the provisions of City of Boston Code, Chapter 4, section 7, as currently in effect. **All Vendors must check one of the three lines below.**

1. ☐ CORI checks are not performed on any Applicants.
2. ☐ CORI checks are performed on some or all Applicants. The Vendor, by affixing a signature below, affirms under penalties of perjury that its CORI policy is consistent with the standards set forth on the attached CM Form 15B.
3. ☐ CORI checks are performed on some or all Applicants. The Vendor's CORI policy is not consistent with the standards set forth on the attached CM Form 15B (a copy of the Vendor's written CORI policy must accompany this form).

(Typed or printed name of person signing
quotation, bid or proposal)

Signature

(Name of Business)

NOTE:

The Awarding Authority may grant a waiver of CBC 4-7.3 under exigent circumstance on a contract by contract basis.

Instructions for Completing CM Form 15B:

A Vendor should not check Line 1 unless it performs NO CORI checks on ANY applicant.

A Vendor who checks Lines 2 certifies that the Vendor's CORI policy conforms to the standards set forth in CM Form 15B. A

Vendor with a CORI policy that does NOT conform to the standards set forth on CM Form 15B must check Line 3. Vendors

who check Line 3 will not be permitted to enter into contracts with the City, absent a waiver, as provided for in CBC 4-7.4.

For any waiver to be granted, a completed CM Form 15C must be completed by the awarding authority and attached hereto.